

MEMORANDUM


State of Alaska *Department of Law*

TO: The Honorable Loren Leman
Lieutenant Governor

DATE: July 10, 2006

A.G. FILE NO: 663-06-0178

TELEPHONE: 465-3600

FROM: 
Sarah J. Felix
Assistant Attorney General
Labor & State Affairs – Juneau

SUBJECT: Review of Second Initiative
Application on Exemption from
Daylight Saving Time

I. INTRODUCTION AND SUMMARY

You have asked us to review an application for an initiative petition entitled “An Act that exempts the entire State of Alaska from daylight saving time thereby eliminating the use of daylight saving time in Alaska.” This is the second initiative application on exemption from daylight saving time received this year. We have completed our review and find that the application complies with the statutory provisions governing the use of the initiative. Therefore, we recommend that you certify the application.

We note that this is the first initiative application reviewed under the new time limit imposed by sec. 2, 38 SLA 06, requiring that the lieutenant governor review an initiative application and grant or deny certification of the application within 60 days. Our file indicates that this initiative was received in your office on June 14, 2006, and your decision would therefore be due on or before August 11, 2006.

II. SUMMARY OF THE PROPOSED BILL AND ANALYSIS

A. SUMMARY

As the proposed bill is brief, we set it out in full:

Under 15 U.S.C. 260a the entire State of Alaska, including all political subdivisions thereof, in each calendar year shall be exempt from advancement of time also known as daylight saving time.

During the period of advancement of time also known as daylight saving time the entire State of Alaska, including all political subdivisions thereof, shall observe the standard time otherwise applicable during the time period.

This proposed bill cites 15 U.S.C. 260a¹ because this federal statute sets out the requirement for “daylight saving time.” Subsection 15 U.S.C. 260a(b) provides that it supersedes any laws of the States or political subdivisions that may provide for advances in time or changeover dates different from those specified in this section.² However, 15 U.S.C. sec 260a(a) allows states to seek an exemption from daylight savings time under certain conditions. It appears that the sponsors of this initiative have addressed the federal preemption issue by incorporating by reference the requirements of 15 U.S.C. sec. 260a in the text of the initiative.

B. ANALYSIS

Under AS 15.45.070, the Lieutenant Governor is required to review an application for a proposed initiative and either “certify it or notify the initiative committee of the grounds for denial.” The grounds for denial of an application are that (1) the proposed

¹ 15 U.S.C. sec. 260a(a) provides:

During the period commencing at 2 o'clock antemeridian on the first Sunday of April of each year and ending at 2 o'clock antemeridian on the last Sunday of October of each year, the standard time of each zone established by the Act of March 19, 1918 (15 U.S.C. 261-264), as modified by the Act of March 4, 1921 (15 U.S.C. 265), shall be advanced one hour and such time as so advanced shall for the purposes of such Act of March 19, 1918 [15 U.S.C. secs 261 et seq.], as so modified, be the standard time of such zone during such period; however, (1) any State that lies entirely within one time zone may by law exempt itself from the provision of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone.

² 15. U.S.C. sec 260a(b) provides:

It is hereby declared that it is the express intent of Congress by this section to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in this section.

bill is not in the required form; (2) the application is not substantially in the required form; or (3) there is an insufficient number of qualified sponsors. AS 15.45.080. We discuss these next.

1. The Form of the Proposed Bill

The form of a proposed initiative bill is prescribed by AS 15.45.040, which requires that (1) the bill be confined to one subject; (2) the subject be expressed in the title; (3) the enacting clause state, "Be it enacted by the People of the State of Alaska;" and (4) the bill not include prohibited subjects. The prohibited subjects—dedication of revenue, appropriations, the creation of courts or the definition of their jurisdiction, rules of court, and local or special legislation—are listed in AS 15.45.010 and in Article XI, Section 7 of the Alaska Constitution.

The bill is confined to one subject: exempting Alaska from daylight saving time. The subject of the bill is expressed in the title. The bill contains the required enacting clause language. The proposed bill does not contain a prohibited subject.

2. The Form of the Application

The form of an initiative application is prescribed in AS 15.45.030, which provides:

The application must include the

- (1) proposed bill;
- (2) printed name, the signature, the address, and a numerical identifier of not fewer than 100 qualified voters who will serve as sponsors; each signature page must include a statement that the sponsors are qualified voters who signed the application with the proposed bill attached; and
- (3) designation of an initiative committee consisting of three of the sponsors who subscribed to the application and represent all sponsors and subscribers in matters relating to the initiative; the designation must include the name, mailing address, and signature of each committee member.

The application meets these requirements and is therefore substantially in the required form. With respect to the number of signatures set out in the second requirement, the division of elections within your office determines whether the application contains the signatures and addresses of not less than 100 qualified voters.

3. Number of Qualified Sponsors

The division of elections within your office will determine whether there are a sufficient number of qualified sponsors.

III. PROPOSED BALLOT AND PETITION SUMMARY

We have prepared the following ballot-ready petition summary and title for your consideration:

Exempting Alaska from Daylight Saving Time

This initiative says that the State of Alaska exempts itself from daylight saving time. The bill says that the state also exempts all of the political subdivisions of the state from daylight saving time. The state and political subdivisions will be on standard time while exempt from daylight saving time.

Should this initiative become law?

This summary is 50 words, which is the upper limit for the proposed one-section bill under AS 15.45.180(a).³ It has a Flesch test score of 56.2, which is close to the target readability score of 60, therefore, we believe that the summary meets the readability standards of AS 15.60.005.

IV. CONCLUSION

We conclude that the application for the proposed bill is in the proper form, and therefore recommend that you certify this initiative application, and so notify the initiative committee.

Please contact me if we can be of further assistance to you on this matter.

SJF/tjn

cc: Whitney Brewster, Director
Office of Lieutenant Governor, Division of Elections

³ AS 15.45.180(a) was amended this past session by 38 SLA 06, effective date May 19, 2006.